

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/807,420
Filing Date: March 23, 2004
Applicant: Craig A. Barrile-Josephson, et al.
Group Art Unit: 3734
Examiner: Michael G. Mendoza
Title: *BAR-LINK DRIVE SYSTEM FOR A MICROKERATOME*
Attorney Docket: P03137 (6639-000040/US)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE

Sir:

The following is a response to the Office Action mailed 19 September 2007.

The Applicants acknowledge and thank the Examiner for the indication of the allowability of claims 4, 5, 9, 23, and 24.

The remaining claims 1 – 37 are objected to because the Examiner asserts that the drawings do not show claimed features. In addition, the remaining claims have been rejected under 35 U.S.C. §102 and §103 as being unpatentable over Hellenkamp, et al. and Aufaure, et al. The Applicants respectfully disagree with all of the objections and claim rejections for the following reasons.

The Examiner asserts that the drawings do not show every feature of the invention specified in the claims. Specifically, the Examiner asserts that the drawings do not show a four bar-link drive. This is simply not true. The drawings of FIGs. 7, 8, and 10 along with the corresponding discussion in the specification, disclose a four bar-linkage drive. As set forth in the specification, the particular four bar-link drive of the example of the invention shown in the specification, is a crank-slider linkage or drive. As clearly shown from the web pages obtained from Wikipedia and Answers.com, a slider- crank is a form of a four bar-linkage. The four bars are especially clear from FIG. 8 and include pivot or ground point A, bar 24, bar 26, and slider 58. Therefore, based on the above arguments and the references attached to this response, it is respectfully requested that the objection to the drawings be removed.

The claims, other than those noted above, stand rejected under 35 U.S.C. §102 as being anticipated by Hellenkamp, et al. This rejection of the claims appears to be related to the misunderstanding about what a four bar-link drive is. No where in the Hellenkamp, et al. reference is a four bar-link drive disclosed or suggested. Rather, the drive of Hellenkamp, et al. is a rack and pinion drive. Rack or track 43 provides an engagement surface for pinion or propulsion shaft 125 to propel the keratome across the suction ring 32. Simply put, a rack and pinion drive is not a bar-link drive, let alone a four bar-link or slider-crank drive, as specifically claimed in the present invention. As set forth throughout the specification, it is believed that the four bar-link drive and the specific slider-crank mechanism disclosed in the example of the specification, provide advantages over other known microkeratome drive systems, including the rack and pinion drive of Hellenkamp, et al.

In view of the above arguments with respect to the §102 rejection of the claims, it is respectfully submitted that the §103 rejections of Hellenkamp, et al. in combination with Aufaure, et al., are similarly improperly made. Because Hellenkamp, et al. does not disclose or even suggest the use of a four bar-link or slider crank drive mechanism, it is respectfully submitted that claims 3, 30, and 37, which have been rejected under §103, are allowable as written.

Therefore, it is respectfully submitted that claims 1 – 37 are all in condition for allowance, and such allowance is requested at an early date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael L. Smith', written over a horizontal line.

Michael L. Smith
Reg. No. 35,685

Date: December 18, 2007

Attachments (8 pages)

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